



South Carolina House of Representatives

# Legislative Update

James H. "Jay" Lucas, Speaker of the House

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# HOUSE WEEK IN REVIEW

The House of Representatives approved **S.342** and enrolled the bill for ratification. The legislation equips the Department of Insurance with **AUTHORITY TO INVESTIGATE INSURANCE HOLDING COMPANIES**. The changes are necessary for South Carolina's Department of Insurance to maintain its accreditation with the National Association of Insurance Commissioners.

The House approved and sent the Senate **H.3432**, a bill to provide that **MARTIN LUTHER KING, JR. DAY AND MEMORIAL DAY MUST BE RECOGNIZED AS HOLIDAYS FOR ALL LOCAL SCHOOL DISTRICTS** of the state and that the schools and offices of the districts must be closed on those dates. This new requirement begins with the 2016-2017 school year and districts may not schedule make-up days on either holiday.

The House approved and sent the Senate **H.3575**, legislation revising the definition of "solid waste" under the state's Solid Waste Policy and Management Act to exclude **STEEL SLAG**, a product of the electric arc furnace steelmaking process, so long as the steel slag is sold and distributed in the stream of commerce for consumption, use, or further processing into another desired commodity and is managed as an item of commercial value in a controlled manner and not as a discarded material.

The House approved and sent the Senate **H.3646**, a bill that deals with **PASSIVE SOIL-BASED ON-SITE DISPOSAL SYSTEMS** used to collect, treat, and discharge, or reclaim wastewater or sewage. Current law allows soil dispersal systems to be sized two-thirds of that required for a conventional gravel trench. Current law also requires manufacturers to maintain financial assurances, provides for installer certification programs, and limits installation to single-family dwellings. As a result of these systems being used successfully for the past ten years, the legislation increases trench sizing from two-thirds to three-quarters of that required for a conventional gravel trench and repeals, as unnecessarily burdensome, requirements such as financial assurances, installer certification, and single-family dwelling limitations.

The House amended, approved, and sent the Senate **H.3264**, a bill providing authority for the Department of Motor Vehicles to issue **AMERICAN RED CROSS SPECIAL LICENSE PLATES**.

# HOUSE COMMITTEE ACTION

## JUDICIARY

The House Judiciary Committee passed out the following bills on Tuesday, February 24, 2015.

The Committee approved **H. 3522** which amends the **Infant Safe Havens** statute by adding that a notice must be posted on the premises of any location designated as a safe haven. This notice must be created by the Department of Social Services and must state that the location is a safe haven at which a person may leave an infant.

The Committee approved, as amended, **H. 3576** which regards **NONPROFIT YOUTH SPORTS ORGANIZATIONS** and provides that a written agreement (with disclosures required) between a nonprofit youth organization and a coach that specifies the coach as an independent contractor is conclusive evidence that the coach is an independent contractor and not an employee of the nonprofit youth sports organization (with reservations as they relate to third party civil actions). The nonprofit youth sports organization is not obligated to secure compensation for the coach pursuant to worker compensation laws, secure unemployment insurance, and withhold federal and state income taxes from money paid to the coach. The amendment struck the perambulatory “whereas” clauses preceding the bill.

The Committee approved **S. 177** which regards **CERTIFICATION OF DOMESTIC AND FOREIGN RECORDS**. The bill amends Rule 902 of South Carolina’s Rules of Evidence relating to self-authenticating documents, adding two types of self-authenticating documents (Certified Domestic Records of a Regularly Conducted Activity; and, Certified Foreign Records of a Regularly Conducted Activity) so that South Carolina will conform with Federal Rule 902.

## **MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS**

The Medical, Military, Public and Municipal Affairs Committee met on Tuesday, February 24, 2015, and reported out five bills.

**H.3204**, a bill enacting the “**CERVICAL CANCER PREVENTION ACT**”, was given a favorable with amendment recommendation by the committee. Beginning with the 2015-2016 school year, the Department of Health and Environmental Control may offer the cervical cancer vaccination series for adolescent students enrolling in the seventh grade in any school, public or private. No student is required to have the cervical cancer vaccination series before enrolling in or attending school.

The department shall develop and provide to each school whose grade levels include grade six informational brochures concerning adolescent vaccinations, including the cervical cancer vaccination series. The brochure specifically must state that the cervical cancer vaccination series is optional and shall encourage the parent or guardian of a student to take the child to the child’s own health care provider to be vaccinated. At the beginning of the school year each school district shall provide this informational brochure to the parents or guardians of all students in the sixth grade.

The legislation further states that implementation is contingent upon the appropriation of state and federal funding to fully cover the costs of providing this vaccination series to

eligible students as well as the availability of funds to produce the informational brochure.

**H.3343**, legislation revising the methods of how **EUTHANASIA OF SHELTERED ANIMALS** are performed, was given a favorable with amendment recommendation from the committee. The legislation bans the use of gas chambers and requires the use of sodium pentobarbital or a derivative of it by intravenous injection by hypodermic needle of a lethal solution or intraperitoneal injection by hypodermic needle of lethal solution as a last resort only.

The committee approved a favorable with amendment report of **H.3324**. This Joint Resolution establishes a **COMMITTEE TO STUDY STATE AND LOCAL LEVEL VETERANS ISSUES**. The committee is comprised of the members of the Joint Legislative Veterans Issues Study Committee created in 2010 or their successors; three members appointed by the Governor; and three members appointed by the Adjutant General. The committee shall study and evaluate the current relationships between the county veterans affairs offices and the executive and legislative branches of state government; the relationships between the county veterans affairs offices and the South Carolina Division of Veterans Affairs; and the relationships between the South Carolina Division of Veterans Affairs and the United States Department of Veterans Affairs. In addition, the committee is tasked with reviewing the current mission of the 2010 Joint Legislative Veterans Issues Study Committee and determine whether its functions should be expanded or codified.

**H.3464**, a bill that creates **LICENSING REQUIREMENTS FOR BARBER SCHOOLS AND BARBER SCHOOL INSTRUCTORS**, was given a favorable recommendation by the committee. In an effort to allow the Department of Labor, Licensing and Regulation to continue receiving Title IV funding from the U.S. Department of Education for barber school, a license is required from the State Board of Barber Examiners to operate a barber school. A barber school may be operated in and as part of an accredited high school, career center, or technical school or college and must be licensed by the board. A barber school that is not part of a secondary school is considered a post-secondary school. Barber school instructors must be licensed by the board. The instructors must have successfully passed an instructor's examination as prescribed by the board and have at least three years' experience as a practicing registered barber or master hair care specialist.

As a result of South Carolina's rate of maternal death is higher than the United States average, the full committee gave a favorable with amendment recommendation to **H.3251**, legislation establishing the **MATERNAL MORBIDITY AND MORTALITY REVIEW COMMITTEE** under the Department of Health & Environmental Control. The mission of the committee is to gather and review available data, develop strategies to prevent (reduce) maternal deaths, and disseminate findings and recommendations. Committee members shall serve without compensation or reimbursement for expenses. The committee shall dissolve, unless it is reauthorized by law, five years after it goes into effect.

# **BILLS INTRODUCED IN THE HOUSE THIS WEEK**

## **AGRICULTURE, NATURAL RESOURCES AND ENVIRONMENTAL AFFAIRS**

### **H.3707 “CLEAN AIR ACT” Rep. Putnam**

The bill adopts policies that preserve environmental quality under the “Clean Air Act”. As a result, the bill outlines that no state agency shall prepare, draft, submit, or implement a state plan pursuant to a Clean Air Act for existing power plants until the regulation has undergone judicial review and is fully resolved following the exhaustion of any and all appeals.

## **EDUCATION AND PUBLIC WORKS**

### **H. 3705 DIVERSITY AWARENESS INSTRUCTION Rep. M. S. McLeod**

This bill requires instruction on diversity awareness in kindergarten through twelfth grade and provides that the State Board of Education shall incorporate this diversity awareness instruction into the South Carolina academic standards of instruction for kindergarten through twelfth grade beginning with the 2016-2017 school year.

### **H.3708 SURCHARGE ON PARKING VIOLATIONS Rep. Crosby**

This bill imposes a fifty cent surcharge on all parking violations and provides that the revenue from the surcharge must be credited to the State Highway Fund to be used exclusively for road and bridge repair and improvement, and for mass transit projects.

### **H. 3709 OFF STREET PARKING VIOLATIONS Rep. Crosby**

This bill requires counties, municipalities, airport districts or aviation authorities that own off-street parking facilities to assess a fifty cent surcharge on each customer using the facility and to credit the revenue to the State Highway Fund to be used exclusively for road and bridge repair and improvement, and for mass transit projects.

### **H. 3718 STUDENT BULLYING ADVISORY COUNCIL Rep. Clyburn**

This bill provides that the governing body of each school district shall create a student bullying advisory council to be comprised of students, parents, and teachers selected by the governing body to advise the governing body on matters relating to student-on-student bullying problems, and on other matters that the governing body considers appropriate.

## **JUDICIARY**

**H. 3699 FIRST RESPONDERS AND WORKERS' COMPENSATION**

**Rep. McCoy**

This bill modifies the requirements of a first responder seeking workers' compensation for personal injury caused by stress, mental injury, or mental illness and includes mental illness among related conditions that may be compensable if resulting from a significant traumatic experience.

**H. 3700 ARREST RECORDS Rep. McCoy**

This bill provides that a person or entity who publishes on the person or entity's website the arrest and booking records of a person whose charges have been discharged or dismissed, or who is found not guilty of a charge, without fee or compensation, shall remove the arrest and booking records within thirty days of a written request (under penalty).

**H. 3716 "SOUTH CAROLINA CONSTITUTIONAL CARRY ACT OF 2015"**

**Rep. Hill**

This bill enacts the "South Carolina Constitutional Carry Act of 2015".

**H. 3717 POLL WORKERS Rep. Clyburn**

This bill provides that an individual who serves as a poll manager, assistant poll manager, or poll worker is entitled to be compensated in an amount not less than seventy dollars for attending compulsory elections training required by state law and for working the day prescribed by law to conduct general elections.

**H. 3719 IMPLIED CONSENT Rep. Clyburn**

This bill provides that a person who is operating a vehicle which is involved in an accident in which a person suffered great bodily injury or death must submit to tests to determine whether he is under the influence of alcohol or drugs.

**H. 3720 EARLY VOTING Rep. Clyburn**

This bill establishes early voting procedures and provides for an early voting period to begin thirty days before an election and relates to persons qualified to vote by absentee ballot, so as to include voting during the early voting period.

**H. 3721 VULNERABLE ADULTS Rep. Tallon**

This bill adds penalties for certain caregiver conduct as it relates to the abuse, neglect, and exploitation of vulnerable adults.

**S. 78 "FORFEITED LANDS EMERGENCY DEVELOPMENT ACT"**

**Sen. Massey**

This bill enacts the "Forfeited Lands Emergency Development Act" and provides for the authority of County Councils and forfeited land commissions to petition legislative delegations for the use of the special authorities provided in this act.

## **LABOR, COMMERCE AND INDUSTRY**

**S.160 THIRD PARTY FUNERAL SERVICE PROVIDERS Sen. Shealy**

This bill establishes requirements for licensure with the State Board of Funeral Service for a third party funeral service provider, an out-of-state broker, which is a licensed funeral director working through a licensed home in the state that the broker is located, that arranges, via telephone, email, mail, the internet, or by other means, for funeral services to be performed by licensed funeral directors and funeral establishments in this state.

**S.301 REGULATION AND OVERSIGHT OF CERTIFIED PUBLIC ACCOUNTANTS** Sen. Alexander

This bill revises the composition of the South Carolina Board of Accountancy by expanding its membership from nine to eleven, providing for each congressional district to be represented by one certified public accountant board member, and by requiring that one of the two at-large members selected from the general public be a licensed attorney. The legislation revises certified public accountant licensure requirements by providing authorization for applicants to undergo state and federal criminal records checks and by requiring continuing education or additional experience, as applicable, for applicants who delay submitting an application for a substantial period of time after passing the certified public accounting examination or obtaining accounting experience. The legislation revises qualifications for registration of a certified public accounting firm, so as to provide that a simple majority, rather than a supermajority, of the firm ownership must be certified public accountants. The legislation further provides qualifications and continuing professional education requirements for noncertified public accountant owners of these firms. In conducting investigation of complaints and disciplinary proceedings, the Department of Labor, Licensing and Regulation may require state and federal criminal records checks. The legislation establishes deadlines for filings applications for obtaining and renewing licenses and registration.

**H.3710 MULTIPLE LOT REAL PROPERTY TAX DISCOUNT EXTENSION** Rep. Hixon

This bill extends the multiple lot real property tax discount that has been provided to property developers to allow five additional years of eligibility in certain circumstances so that it would apply for property tax years beginning after 2011 and before 2021.

**H.3726 "PALMETTO COMPREHENSIVE HEALTH CARE ACT"** Rep. Mack

This bill enacts the "Palmetto Comprehensive Health Care Act" to create a publicly financed single-payer health care program available to all residents of the state equally, regardless of income, assets, health status, or availability of other health care coverage.

## **MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS**

**H.3706 "EMERGENCY ANAPHYLAXIS TREATMENT ACT"** Rep. Putnam

The legislation renames the chapter entitled "Emergency Treatment for Medical Hazards Caused by Insect Stings" to "Emergency Anaphylaxis Treatment Act". The bill adds the term "epinephrine auto injector" which means a single use device used for the automatic injection of a premeasured dose of epinephrine into the human body. The bill also requires the Department of Health and Environmental Control to develop a training and certification program for individuals who administer epinephrine auto injectors.

**H.3714 MULTIPLE LOT DISCOUNTS** Rep. Hixon

The bill provides for five additional years of eligibility in certain circumstances in all property tax years, beginning 2011 and before 2021.

## WAYS AND MEANS

### **S.397 APPLICATION OF THE FEDERAL INTERNAL REVENUE CODE TO STATE INCOME TAX LAWS** Sen. Leatherman

This bill updates year references in provisions relating to the application of the federal Internal Revenue Code to state income tax laws.

### **H.3704 SURCHARGES ON CERTAIN MISDEMEANORS TO FUND TRAINING AT THE SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY** Rep. Pitts

This bill revises a provision imposing surcharges on certain misdemeanors to fund training at the South Carolina Criminal Justice Academy to provide that it shall not terminate on June 30, 2016, but shall, instead, become a permanent provision of law.

### **H.3725 INCENTIVES FOR REVITALIZING STATE-OWNED ABANDONED BUILDINGS AND NONRESIDENTIAL SOLAR ENERGY SYSTEMS** Rep. J. E. Smith

This bill revises incentives of the South Carolina Abandoned Buildings Revitalization Act to incorporate provisions for the rehabilitation of state-owned abandoned buildings and establishes a tax credit for constructing, purchasing, or leasing a nonresidential solar energy system.



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